

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

MARLENE JOHANSEN

Plaintiff and Counterclaim
Defendant

Civil Action No. 04-11789-RCL

v.

UNITED STATES OF AMERICA

Defendant and Counterclaim
Plaintiff

v.

TIMOTHY BURKE

Counterclaim Defendant

AFFIDAVIT

I, Timothy J. Burke, being duly sworn deposes and says that
I have personal knowledge of the following paragraphs.

1. That I reviewed the nominee lien filed by the United States against Ms. Johansen prior to entering into an agreement with her.
2. The nominee lien was in error as it was unsupported by any facts.
3. I relied on the legal infirmities of the nominee lien in entering into an agreement and mortgage with Ms. Johansen.

4. On or about August 18, 2004 a mortgage was filed with the Middlesex County Registry of Deeds wherein Burke was the mortgagee and Ms. Johansen was the mortgagor.

Signed under pains and penalties of perjury.

Dated: August 1, 2005

/s/ Timothy Burke
Timothy Burke

Certificate of Service

I hereby certify that a true copy of the above document was served upon each attorney of record via first class mail, postage prepaid on August 1, 2005 to the following counsel of record:

Stephen Turanchik
Trial Attorney, Tax Division
Department of Justice
P.O. Box 55
Ben Franklin Station
Washington, D.C. 20044

/s/ Melissa Halbig
Melissa Halbig